

REMARKS

A reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and following discussion.

As set forth in the Detailed Action of 15 January 2003, claims 1-5, 7-15, 17-19, and 26 were rejected under 35 U.S.C. 102(b) as anticipated by Wilmot et al. (6,210,369).

The Applicant takes issue with the Examiner's indication that the Wilmot element 24 is equivalent to the Applicant's barrel which bears the numeral 40 (see Figures 1 and 3, in particular). As stated by Wilmot at column 8, line 4 and 5, his element 24 refers to a "dental cartridge which is tubular and made of glass". Claim 1 has been cancelled, and its claimed elements have been added to dependent claim 2. As more clearly set forth, currently amended claim 2 introduces to claim the longitudinal slot or opening 24 which is adapted to receive a single-use drug cartridge. A thorough review of the Wilmot patent does not reveal an equivalent construction. It will be apparent that such configuration permits ready access to the interior of the syringe body 22. There is no equivalent access disclosed in Wilmot. It is believed that claim 2, as currently amended to include the elements of cancelled claim 1 now recites patentable subject matter. This statement is also true of currently amended claim 11 which formerly was dependent from claim 10, now cancelled. The elements of claim 10 have been set forth in claim 11 to define the Applicant's invention, including the longitudinal slot. It will also appear that claim 3 now clearly states Applicant's invention, and an early allowance of this claim is respectfully requested. Claim 13 has been cancelled.

The "breakaway feature" of claims 4 and 5 have each been amended to be dependent from claim 2 and contain the elements recited therein. Accordingly, it is earnestly believed that both of these claims are in condition for allowance. Claim 14 has been cancelled.

The finger rest recited in claims 7 and 17 have been amended to include the elements of claim 2 and allowed claim 16, respectively. As such, it is believed that these claims also contain patentable subject matter and early allowance is respectfully requested.

The Examiner rejects claims 8 and 18, stating that the plunger of Wilmot is considered to be comprised of a looped member. In no place is there any reference in Wilmot to a looped member, and since there is no need for a looped member for withdrawal purposes, as in the Applicant's device, it is requested that this rejection of claims 8 and 18 be withdrawn. In addition, both claims 8 and 18 have been amended to be dependent from amended claims 2 and allowed claim 16, and accordingly contain patentable subject matter. Early allowance of these claims is respectfully requested.

Claims 9 and 19 have been rejected based upon Wilmot's biasing means 116. Both of these claims have been cancelled.

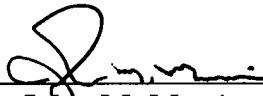
Claims 20 – 25, inclusive, have been allowed.

Claim 26 was rejected by the Examiner also under 35 U.S.C. § 102(b) as being anticipated by Wilmot et al. This claim has also been cancelled.

Claims 6 and 16 were objected to as being dependent upon a rejected base claim, and have been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Each of claims 6 and 16 have been amended as suggested by the Examiner. As so amended, it is believed that each of the claims 6 and 16 contain patentable subject matter, and such action is respectfully requested.

An early allowance of currently amended claims, 2-8, inclusive, 11, and 16-18, inclusive, along with original claims, 20-25, inclusive, is respectfully requested.

Respectfully Submitted,

By 
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